

City of Takoma Park, Maryland

Office of the City Council

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December 6, 2018

Marc Elrich, Montgomery County Executive
101 Monroe Street
Rockville, MD 20850

Montgomery County Council
Council Office Building
100 Maryland Avenue, 5th Floor Rockville, MD 20850

Dear County Executive Elrich and Honorable Members of the Montgomery County Council,

As the Federal Communications Commission (FCC) moves forward with regulations that could result in the installation of small cell towers in close proximity to homes, many residents of Takoma Park and Montgomery County are concerned about the potential impacts the location of these towers may have on their health, property values, the environment, and safety. The City of Takoma Park is also concerned about a proliferation of towers and equipment in City rights-of-way and their potential impact on neighborhood aesthetics, sidewalks, streets, and trees. We are also concerned that the FCC's action is preempting a local government's right to regulate its own rights-of-way as it deems is in the interest of residents.

The City of Takoma Park is under Montgomery County's zoning authority. Therefore, restrictions on setbacks and zoning regulations regarding wireless telecommunications facilities within the City are governed by the County. We share the County's desire to have reasonably regulated and orderly deployment of wireless telecommunications facilities as unregulated or disorderly deployment represents a threat to the health, welfare, environment, and safety of our community. However, when the Planning Board and the prior County Council were reviewing and passed ZTA 18-02, there was no outreach to the City. As a result, we have a number of unaddressed concerns with the passed legislation.

We would like to work with County staff and the new County Council to address the following concerns:

- **Reexamine ZTA 18-02 to address negative impacts on apartment dwellers:** The legislation allows cell towers to be placed 10 feet from a residential building in mixed-use areas. Takoma Park and many other areas in the County have residents in apartments that will be impacted. Given concerns about cell towers within close proximity of where people live, we ask the new County Council to reconsider ZTA 18-02 to ensure that it takes into consideration and does not negatively impact residents in apartment buildings.
- **Maps of setbacks:** We would like County staff to work with our staff to create accurate maps of where cell towers could be placed in the City based on the 10-foot setback requirement in ZTA 18-02, as well as potentially impacted houses that meet the current 60-foot setback that is in

place in residential zones. We would also like maps that show the location of existing small cell towers and applications for installations in the City boundaries.

- **Ongoing communication and outreach with the City:** We request an update on the plans of the County Council to take up the issue of cell tower siting in residential areas. As Takoma Park remains under the County's zoning authority and with the FCC guidelines set to go into effect on January 14, we respectfully ask the County Executive and County Council keep the City abreast of its plans to ensure the regulated and orderly deployment of cell towers in residential areas.
- **City participation in the Tower Commission:** The City seeks to more formally and closely coordinate with the County on these issues. As part of that, we request that a Takoma Park representative be appointed to the Montgomery County Transmission Facilities Coordination Group (often referred to as the Tower Commission).

The City of Takoma Park passed a resolution (attached) and is in the process of passing our own ordinance to regulate the placement of antennas in our rights-of-way. Our goals are to protect and preserve the aesthetics in the community, as well as the values of properties, and to ensure that all wireless telecommunications facilities are installed using the least intrusive and safest means possible. We also wish to have high-speed wireless service throughout the community that is accessible to all.

We believe you share these goals for Montgomery County overall and look forward to working with you.

Sincerely,

The Takoma Park City Council

Kate Stewart, Mayor

Peter Kovar, Ward 1 Councilmember

Cindy Dyballa, Ward 2 Councilmember

Kacy Kostiuik, Ward 3 Councilmember

Terry Seamens, Ward 4 Councilmember

Jarrett Smith, Ward 5 Councilmember

Talisha Searcy, Ward 6 Councilmember

CC: Montgomery County Planning Board

Enclosure: Resolution Identifying the Council's Goals in Amending Takoma Park Code, Chapter 11.12, Permits and Improvements to Regulate the Installation of Telecommunications Equipment in City Rights-of-Way